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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2010-578

11 **SUZANNE PORTER, AKA SUZANNE**
12 **JECKEL**

13 1524 Goodman Ave
Redondo Beach, CA 90278

A C C U S A T I O N

14 Registered Nurse License No. 470202

15 Respondent.
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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about August 31, 1991, the Board of Registered Nursing issued Registered
24 Nurse License Number 470202 to Suzanne Porter, aka Suzanne Jeckel (Respondent). The
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on April 30, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 490 states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, function, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, . . .

....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

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1 7. Section 2762 states, in pertinent part:

2 “In addition to other acts constituting unprofessional conduct within the meaning of this
3 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
4 chapter to do any of the following:

5 “(b) Use any controlled substance as defined in Division 10 (commencing with Section
6 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
7 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
8 himself or herself, any other person, or the public or to the extent that such use impairs his or her
9 ability to conduct with safety to the public the practice authorized by his or her license.

10 “(c) Be convicted of a criminal offense involving the prescription, consumption, or self-
11 administration of any of the substances described in subdivisions (a) and (b) of this section, or the
12 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)
13 of this section, in which event the record of the conviction is conclusive evidence thereof.”

14 8. Section 2764 provides, in pertinent part, that the expiration of a license shall not
15 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
16 to render a decision imposing discipline on the license. Under section 2811(b), the Board may
17 renew an expired license at any time within eight years after the expiration.

18 9. California Code of Regulations, title 16, section 1444, states:

19 “A conviction or act shall be considered to be substantially related to the qualifications,
20 functions or duties of a registered nurse if to a substantial degree it evidences the present or
21 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
22 safety, or welfare.”

23 COST RECOVERY

24 10. Section 125.3 provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licensee found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 *(Convictions of Substantially Related Crimes)*

3 11. Respondent is subject to disciplinary action under section 490 and section 2761,
4 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that
5 Respondent was convicted of a crime which is substantially related to the qualifications,
6 functions, and duties of a registered nurse. On or about August 25, 2009, after pleading nolo
7 contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code
8 section 23152, subdivision (b) [driving with a blood-alcohol content greater than 0.08 percent] in
9 the criminal proceeding entitled *The People of the State of California v. Suzanne Jeckel Porter*
10 (Super. Ct. Los Angeles County, 2009, No. 9WW03213). The defendant admitted in court to an
11 enhancement allegation for having a blood-alcohol content of 0.15 percent and more, by weight,
12 within the meaning of Vehicle Code section 23578. Respondent was placed on 3 years probation
13 and ordered to successfully complete a 9-month licensed first-offender alcohol and other drug
14 education and counseling program.

15 The underlying circumstances surrounding the conviction occurred on or about April 20,
16 2009, when Respondent drove over ceramic flower pots and patio furniture and into a parked car.
17 An officer of the Whittier Police Department arrived at the scene of the accident and arrested
18 Respondent after observing objective signs of intoxication including bloodshot eyes, slurred
19 speech, and the odor of an alcoholic beverage emitting from her person.

20 SECOND CAUSE FOR DISCIPLINE

21 *(Dangerous Use of Alcohol)*

22 12. Respondent is subject to disciplinary action under section 2761, subdivision (a), in
23 conjunction with section 2762, subdivision (b), in that, Respondent used alcohol in a manner
24 dangerous to herself and others. Complainant refers to and incorporates all the allegations
25 contained in paragraph 11 as though set forth fully.

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1 THIRD CAUSE FOR DISCIPLINE

2 *(Conviction of a Criminal Offense Involving the Consumption of Alcohol)*

3 13. Respondent is subject to disciplinary action under section 2761, subdivision (a), in
4 conjunction with section 2762, subdivision (c), in that, Respondent was convicted of a criminal
5 offense involving the consumption of alcohol. Complainant refers to and incorporates all the
6 allegations contained in paragraph 11 as though set forth fully.

7 PRAYER

8 *WHEREFORE*, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board issue a decision:

- 10 1. Revoking or suspending Registered Nurse License No. 470202, issued to Respondent;
11 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
12 enforcement of this case, pursuant to Business and Professions Code section 125.3; and
13 3. Taking such other and further action as deemed necessary and proper.

14 DATED: _____

5/6/10

15 *Louise R. Bailey*
16 LOUISE R. BAILEY, M.ED., RN
17 Interim Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant

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